

TODD M. LEVENTHAL, ESQ.
Leventhal and Associates, PLLC
Nevada Bar No. 8543
California Bar No. 223577
626 South Third Street
Las Vegas, Nevada 89101
PHONE: (702) 472-8686
leventhalandassociates@gmail.com
Counsel for Jorge Abraham Lomeli-Lopez

UNITED STATES DISTRICT COURT
DISTRICT OF NEVADA

UNITED STATES OF AMERICA,

Plaintiff,

v.

JORGE ABRAHAM LOMELI-LOPEZ,

Defendant.

Case No.: 2:20-mj-00358-EJy

**STIPULATION TO CONTINUE
INITIAL APPEARANCE**

(first Request)

IT IS HEREBY STIPULATED AND AGREED by and between Nicholas A. Trutanich, United States Attorney, and Kimberly Frayn, Assistant United States Attorney, counsel for the United States of America, and Todd M. Leventhal, Esq., counsel for Jorge Abraham Lomeli-Lopez, that the Initial Appearance currently scheduled for November 5, 2020 at 11:00 a.m. be vacated and set to a date and time convenient to this Court, but no sooner than ninety (30) days.

The Stipulation is entered into for the following reasons:

1. The defendant is out of custody and does not object to the continuance.
2. The parties agree to the continuance.

4. Should negotiations not be reached, parties need additional time for discovery review and trial preparation.

5. Additionally, denial of the continuance could result in a miscarriage of justice. The additional time is excludable in computing the time within which the trial must commence under the Speedy Trial Act, 18 U.S.C. § 3161(h)(7)(A) based on the factors outlined in §3161(h)(7)(B)(i), (iv).

This is the first stipulation to continue the Initial Appearance.

DATED: November 4, 2020

Submitted By: LEVENTHAL & ASSOCIATES, PLLC

By /s/ Todd M Leventhal

TODD M. LEVENTHAL
Counsel for Defendant

By /s/ Rachel Kent

RACHEL KENT
Assistant United States Attorney

1 TODD M. LEVENTHAL, ESQ
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California Bar No. 223577
3 626 South Third Street
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7 **UNITED STATES DISTRICT COURT**
8 **DISTRICT OF NEVADA**

9 UNITED STATES OF AMERICA,

10 Plaintiff,

11 v.

12 JORGR ABRAHAM LOMELI-LOPEZ,

13 Defendant.

Case No.: 2:20-mj-00358-EJY

**FINDINGS OF FACT,
CONCLUSIONS OF LAW AND
ORDER**

14
15 **FINDINGS OF FACT**

16 Based on the pending stipulation of counsel, and good cause appearing therefore, the
17 Court finds that:

- 18
- 19 1. The defendant is out of custody and does not object to the continuance.
 - 20 2. The parties agree to the continuance.
 - 21 3. The requested time is not for purposes of delay. The parties are engaged in
22 negotiations that may alleviate the need for Trial.
 - 23 4. Should negotiations not be reached, parties need additional time for discovery
24 review and trial preparation.
 - 25 5. Additionally, denial of the continuance could result in a miscarriage of justice.

1 The additional time is excludable in computing the time within which the trial must
2 commence under the Speedy Trial Act, 18 U.S.C. § 3161(h)(7)(A) based on the factors
3 outlined in §3161(h)(7)(B)(i), (iv).

4 **CONCLUSIONS OF LAW**

5 The ends of justice served by granting the requested continuance outweigh the best
6 interest of the public and the defendant in a speedy trial because the failure to grant it would
7 likely result in a miscarriage of justice. This continuance is excludable under the Speedy
8 Trial Act, Title 18 U.S.C. § 3161 (h)(7)(A) based on the factors outlined in §161(h)(7)(B)(i),
9 (iv).
10

11 **ORDER**

12 IT IS FURTHER ORDERED that the Initial Appearance currently scheduled for
13 November 5, 2020 at the hour of 11:00 a.m., is vacated and continued to December 9, 2020
14 at the hour of 9:00 a.m., in Courtroom 3D.

15 DATED this 5th day of November 2020.

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18 BY: Elayna J. Youchah
19 HONORABLE ELAYNA J YOUCHAH
20 United States Magistrate Judge
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